IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :
    BRUCE A. HAY, ET AL.   :

APPLICATION NO.:   09/747,437   :   Examiner: David Lukton

FILING DATE: DECEMBER 21, 2000   :   Group Art Unit: 1653

TITLE: SOMATOSTATIN ANTAGONISTS AND   :
    AGONISTS THAT ACT AT THE SST   :
    SUBTYPE 2 RECEPTOR   :

Commissioner for Patents
Washington, D.C. 20231

Sir:

Reply with Amendment

Preliminary Remarks

The present Reply with Amendment is in response to the Official Action of July 12, 2003. The claims have not yet been amended to reflect the limitation in scope of possible species - which would otherwise be required by the Requirement of Restriction/Election mailed March 19, 2002 (to which Applicants responded on April 22, 2002). First, this is because the Examiner indicated (in an Official Action of March 19, 2002 at page 3) that once the Group I or Group II compounds were elected, the method of treatment claims would be rejoined. The Examiner has not yet acted in regard of this statement. The Examiner also indicated that claims 9 and 10 were not grouped (the claims are directed to lists of chemical species) but that they would be re-joined with the elected Group. However, the Examiner has also indicated that he was perhaps willing to rejoin the Group I compounds with the Group II compounds, if all embodiments of the elected group (Group II) were found to be novel. This being the case, Applicants request that the Examiner indicate the extent of re-joining prior to our making the necessary amendments (if any) to the as-filed claims. In regard of this issue, potentially all compound claims might be allowed by the Examiner, essentially as they were filed.